IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 6034 of 2005

Between:

S. Satya Durga Dass Contractor D. No. 32-4-13/B, Kasthuribaipeta,

Vijayawada

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep by Principal Secretary,

Municipal Administration & Urban Development Department

Secrtariat,Hyderabad AP
2 The Commissioner, Vijayawada Municipal Corporation Vijayawada,

Krishna district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in withholding the final bill for the works "Providing Cement Concrete Road up to 100 Road form 2nd cross Road to4th Cross Road, 3rd reach, Auto Nagar, Vijayawada awarded tot he petitioner by the Respondent-Vijayawada Municipal Corporation, Vijayawada Lr. No. E/3219/96 dated 8-7-1997 for long time in spite of successful completion and handing over the asset, is illegal, contrary to law violating the articles 14, 19 (1)(g) and 300-A of the Constitution India and consequently direct the Respondents to make the bill amounts and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.RAVI KUMAR TOLETY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for Respondent No.2 :Sri T.S. Venkata RAmana

The Court at the stage of admission made the following ORDER:

The petitioner is a civil contractor. He was awarded the work of laying an RCC road at Auto Nagar in Vijayawada Municipal Corporation, on 08.07.1997. The contract was estimated at Rs.54,05,039/-. The petitioner claims to have completed the work by 04.12.1997, much before the due date i.e. 09.01.1998. His grievance is that on the basis of certain complaints, as to the genuinty of estimates, his bill for a sum of about Rs.9.00 lakhs is withheld. He states that though several representations have been made for the past seven years, no action has been taken thereon.

Heard the learned counsel for the petitioner and the learned standing counsel for the second respondent

It is impermissible to adjudicate upon the disputed questions of fact in a writ petition filed under Article 226 of the Constitution of India. The grievance of the petitioner is mostly about the administrative inaction or lapses. Once the petitioner was awarded a contract for undertaking a work, his bill needs to be settled, in accordance with the terms of the contract. In case, any amount is liable to be deducted from the bills of the petitioner, necessary orders need to be passed, so that he can work out his remedies. There does not exist any justification in keeping the matter pending for years, without informing the petitioner, of the exact reasons, for withholding the amount.

The learned standing counsel submits that a vigilance report has been submitted and the final decision thereon, is due from the first respondent. In

view of the same, the writ petition is disposed of directing respondents 1 and 2 to take necessary steps in the matter of payment of the balance of the bill amount payable to the petitioner, within two months from the date of receipt of a copy of this order. There shall be no order as to costs.

28.04.2005

ksld

To

1 The Government of Andhra Pradesh rep by Principal Secretary,

Municipal Administration & Urban Development Department

Secrtariat,Hyderabad AP

2 The Commissioner, Vijayawada Municipal Corporation Vijayawada,

Krishna district

3 Two CCs. To the G.P. for Municipal Administartion and CAD, High

Court of A.P., Hyderabad. (OUT)

4 2 CD copies

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